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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/764,065	01/22/2004	Hideya Kawahara	SUN04-0617	7597

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EXAMINER
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LONG, ANDREA NATAE

ART UNIT	PAPER NUMBER
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2176

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/04/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	Application No. 10/764,065	Applicant(s) KAWAHARA ET AL.	
	Examiner Andrea N. Long	Art Unit 2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 January 2004.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13, 16-29, and 31-32 is/are rejected.
- 7) ☐ Claim(s) 14, 15, 29 and 30 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 January 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>5/27/2004 7/25/2005 8/1/2005</u> | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

Claims 1-32 have been examined in response to application filed 01/22/2004.

#### ***Drawings***

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 136, 114, and 116.
2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "110" has been used to designate both object and window.
3. The drawings are objected to because page 7 paragraph [0030] line 13 of the specification recites the reference characters 110-11 and should be rewritten to recite 110-111.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will

be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

*Specification*

4. The disclosure is objected to because of the following informalities:

Page 3 paragraph [0007] line 20 recites “corresponding actions for to the client applications” either “for” or “to” should be eliminated from the statement to correct grammatical errors.

Page 4 paragraph [0009] should be revised to correct grammatical errors.

Page 9 line 2 should be revised to correct grammatical errors.

Appropriate correction is required.

*Claim Rejections - 35 USC § 101*

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 16-30 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 16 is directed to a computer readable storage medium storing instructions. The Applicant’s specification states the medium can include computer instruction signals embodied in a transmission medium (with or without a carrier wave upon which signals are modulated. Signal or waves do not fall within one of the categories (process, machine, manufacture, or composition of matter) of patent eligible subject matter.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claims 1, 2, 7-9, 16, 17, 22-24, 31, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hopcroft et al (US Patent 6154215), hereinafter "Hopcroft" in view of Applicant's Admitted Prior Art, hereinafter "AAPA".**

**As to independent claims 1, 16, 31 and 32,** Hopcroft discloses a method, medium, apparatus, and means for modifying a scene graph for an application (column 2 lines 44-46), comprising:

receiving the scene graph for the application, wherein the scene graph defines visual attributes for a user interface associated with application (column 2 lines 46-49);

using the scene graph to render a visual output for the user interface (column 2 line 50);

displaying the visual output for the user interface to a user of the application (column 2 lines 50-51); and

modifying the scene graph, whereby visual effects can be produced for the interface in addition to visual effects produced by the application (column 2 lines 63-66). While, Hopcroft does not explicitly state using a user interface manager, he does describe a graphical computer system upon which his invention can reside which includes a processor and a graphics subsystem to build and modify and display scene graphs. Applicant admits in the Background of the

invention that graphical display systems typically operate through a window manager, which manages interactions between the user and the client applications. A window manager performs the same essential functions of the user interface manager of the present application.

Therefore it would have been obvious to one skilled in the art at the time the invention was made to have included a user interface manager in the graphical system of Hopcroft to allow for ease of interactions between the user and the client applications.

**As to dependent claims 2 and 17**, Hopcroft teaches wherein receiving a scene graph for an application involves allowing the application to construct the scene graph and receiving the scene graph from the application (column 4 lines 42-46).

**As to dependent claims 7 and 22**, Hopcroft teaches intercepting a user input event for the user interface at the user interface manager before the user input event is forwarded to the application and performing an associated action (column 10 lines 39-59).

**As to dependent claims 8 and 23**, Hopcroft teaches wherein after intercepting the user input event the user interface manager consumes the user input event (column 10 lines 51-55).

**As to dependent claims 9 and 24**, Hopcroft teaches wherein performing the associated action involves modifying the scene graph to produce visual effects for the user interface (column 10 lines 51-55).

8. **Claims 3-6, 10-13, 18-21, and 25-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hopcroft in view of AAPA in further view of McKeon et al (Pub. No.: US 2005/0102636 A1), hereinafter "McKeon".**

As to dependent claims 3 and 18, Hopcroft teaches wherein receiving the scene graph for the application involves receiving multiple scene graphs (column 4 lines 54-55). However, Hopcroft does not teach wherein the multiple scene graphs are from multiple applications and wherein displaying the visual output involves displaying visual out put for multiple applications in the same display. McKeon teaches having multiple providers with corresponding application program interfaces that are rendered and displayed as one interface on a display, but each interface is still individually represented (page 8-9 paragraph [0088], Figure 9).

It would have been obvious to one skilled in the art at the time the invention was made to have combined the receiving of multiple scene graphs of Hopcroft with the receiving and displaying of multiple interfaces of McKeon to simplify the means to manipulate desired user-interface elements and receive customized views of representations of user-interface elements.

As to dependent claims 4 and 19, Hopcroft teaches displaying the visual output. However Hopcroft does not teach wherein displaying the visual output involves ensuring that there is no interference between visual output from different user interfaces. McKeon teaches ensuring there in no interference between visual output form different user interfaces (page 8 paragraph [0088]).

It would have been obvious to one skilled in the art at the time the invention was made to have combined the displaying of Hopcroft with the interference check of McKeon to allow for a clear display of scene graphs to the user.

**As to dependent claims 5 and 20**, Hopcroft teaches a user interface manager. However, Hopcroft does not teach maintaining multiple scene graphs in separate data structures. McKeon teaches wherein the multiple scene graphs are maintained in separate data structures (Figure 9).

It would have been obvious to one skilled in the art at the invention was made to have combined the user interface manager of Hopcroft with the maintaining of scene graphs of McKeon to allow for the user to interact and modify each scene graph without affecting other scene graphs.

**As to dependent claims 6 and 21**, Hopcroft teaches a user interface manager. However, Hopcroft does not teach combining multiple scene graphs into a single master scene graph. McKeon teaches combining multiple scene graphs into a single master scene graph that represents an entire scene to be displayed (Figure 5).

It would have been obvious to one skilled in the art at the invention was made to have combined the user interface manager of Hopcroft with the master scene graph of McKeon to simplify the means to manipulate desired user-interface elements and receive customized views of representations of user-interface elements.



**As to dependent claims 10 and 25**, Hopcroft teaches modifying the scene graph through the user interface manager. However, Hopcroft does not teach cutting or copying a portion of a first scene graph of a first application and pasting the portion to a second scene graph associated with a second application. McKeon teaches combining scene graphs, which essentially copies one scene graph and pastes it to a second scene graph (Figure 5).

It would have been obvious to one skilled in the art at the time the invention was made to have combined the modifying scene graphs of Hopcroft with the copying and pasting of McKeon to allow for a simplified display of multiple scene graphs to a user.

**As to dependent claims 11 and 26**, Hopcroft teaches modifying a scene graph. However Hopcroft does not teach copying a portion of the scene graph and converting the portion into an independent branch graph. McKeon teaches copying a portion of a scene graph and converting the portion into an independent branch graph that the user interacts with directly (page 6 paragraph [0059]).

It would have been obvious to one skilled in the art at the time the invention was made to have combined the modifying scene graphs of Hopcroft with the copying and independency of the scene graph of McKeon to allow for changes within the combined graph without modify the other combined graphs.

**As to dependent claims 12 and 27**, Hopcroft teaches modifying a scene graph. Hopcroft does not teach adding a lower level branch graph to the scene graph. McKeon teaches combining multiple scene graphs together to form a unified graph (Figure 5). It is well known in

the art that braches can be added to a graph and they are added below the root node. It is also well known that once a branch has been added it associated and therefore connected to the original graph and is a unified graph.

Therefore it would have been obvious to one skilled in the art at the time the invention was made to have added a lower-level branch graph to the scene graph of Hopcroft as modified by McKeon to allow for adding and modifying of combined scene graphs to simplify the view of multiple scene graphs to a user.

**As to dependent claims 13 and 28**, Hopcroft as modified by McKeon teaches a lower-level branch. McKeon further teaches wherein a connected branch is associated with a second application (Figure 5).

#### *Allowable Subject Matter*

9. **Claims 14, 15, 29, and 30** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### *Conclusion*

10. The prior art made of record on Form PTO 892 and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrea N. Long whose telephone number is 571-270-1055. The examiner can normally be reached on Mon - Thurs 6:00 am to 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on 571-272-4136. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Andrea Long  
03/27/2007

*William L. Bashore*  
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**PRIMARY EXAMINER**